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C O N F I D E N T I A L SECTION 01 OF 02 HARARE 000220

SIPDIS

AF/S FOR SDELISI, LAROIAN, MRAYNOR
NSC FOR SENIOR AFRICA DIRECTOR JFRAZER, DTEITELBAUM
LONDON FOR CGURNEY
PARIS FOR CNEARY
NAIROBI FOR TPFLAUMER

E.O. 12958: DECL: 02/05/2009

TAGS: [PHUM](#) [PGOV](#) [SOCI](#) [ZI](#)

SUBJECT: NCA MARCH VIOLENTLY SUPPRESSED; LEADER BEATEN

REF: 03 HARARE 2100

Classified By: Political Officer Win Dayton under Section 1.5(b)(d)

[11.](#) (SBU) SUMMARY: Police on February 4 quickly and violently dispersed an early afternoon demonstration organized by the National Constitutional Assembly (NCA) in support of a new constitution. According to a local human rights lawyer, police arrested 118 protesters and beat up about 50. At least one was reported to be unconscious and still in the hospital on February 5. Embassy has e-mailed to the Department a list furnished by the Zimbabwe Human Rights Lawyers Association of 34 individuals beaten and injured by police. An NCA representative claimed that the demonstration drew participants from Bulawayo and Mutare and numbered 2500 but bystanders estimated the crowd at 100-150. The representative advised that the organization had not applied for a permit for the event. END SUMMARY.

[12.](#) (SBU) The human rights lawyer told the Embassy that those arrested were being charged under the Miscellaneous Offenses Act, not the Public Order and Security Act (POSA). He said that a senior official of the police's Law and Order Unit (which is charged with enforcing POSA) had refused at the station to book them under POSA, insisting instead that other police charge them under the lesser offense. According to the lawyer, the official had said he "was tired" of dealing with demonstrators and that POSA bookings were a "waste of time." (Comment: Historically, POSA has been used as a pretext to arrest and detain regime opponents briefly but not to convict or imprison them for any length of time. End comment.) The lawyer expected all those detained to be released on February 5 or 6, perhaps after paying nominal fines.

[13.](#) (SBU) Beaten but not arrested was NCA President Lovemore Madhuku, who was taken from the scene of the protest and beaten severely by police before being dumped, bleeding and semi-conscious, on a roadside on the edge of town. Retrieved later in the day by supporters, he refused to seek admission to hospital out of fear that authorities would come after him again, according to the lawyer. His injuries included bruises all over his body, a deep cut on his head, and chest pains. Madhuku told a foreign diplomat February 5 that the police beating him had said that they would have to "eliminate" him at some stage, but then backed off and were helping him to staunch his bleeding before they dumped him out of their truck. He told the diplomat that he planned to go back to work on February 6.

[14.](#) (C) COMMENT: Keeping to form, the GOZ has responded to a non-violent opposition event with just enough brutal but non-lethal force to disperse the event quickly and to project a deterrent message. The Law and Order Unit's reported lack of enthusiasm suggests an ambivalence among many police toward Zimbabwe's frequent but modest efforts at civil disobedience. Indeed, much of Zimbabwe's protest activity has become ritualized, with protesters and police becoming so familiar with their roles and with each other that they joke among themselves on the margins of many events and at the police station. Such ambivalence and chumminess, however, alarms the heavily politicized higher police echelons, who reportedly are responding with personnel moves to politicize the department's mid-ranks more deeply in an effort to assure a more disciplined reaction to opposition activities. Concerns for police discipline and capacity also fuel the GOZ's reportedly increasing reliance on the military and the youth militia to suppress opposition activities, including political campaigning.

[15.](#) (C) COMMENT (CONT'D): The NCA continues to be one of the more confrontational of Zimbabwe's numerous non-violent politically oriented NGOs. Some of the opposition MDC party's principals are former principals of the NCA, and the NCA made a strong solidarity statement at December's MDC party conference. The NCA nonetheless openly opposes any constitutional talks between the MDC and ZANU-PF and self-consciously distances itself from the MDC at times. The

iconoclastic constitutional scholar Madhuku, who has been arrested ten times for acts of civil disobedience, can be counted on to continue his public campaign for a new "people's" constitution with varying degrees of coordination with the MDC. For its part, the MDC is comfortable with having the NCA and civil society bear the brunt of the GOZ's brutal intolerance as it continues to evaluate the environment for a party-engineered mass action.

SULLIVAN